

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

TERRI NORTHCUTT,

Plaintiff,

v.

TYSON FOODS INC,

Defendant.

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CIVIL ACTION NO. 9:17-CV-00150-RC

ORDER ADOPTING REPORT AND RECOMMENDATION

The court referred this matter to United States Magistrate Judge Honorable Keith F. Giblin for consideration on case-dispositive pretrial motions. On October 26, 2018, Judge Giblin issued his report and recommendation in which he recommended that the court deny Defendant Tyson Foods, Inc.'s Motion for Partial Summary Judgment [Dkt. # 19]. *See* Report and Recommendation [Dkt. #46]. The parties have not filed objections to the magistrate judge's report.

In accordance with 28 U.S.C. § 636(b), the court conducted a *de novo* review of the magistrate judge's findings, the record, and the applicable law in this proceeding. After review, the court finds that Judge Giblin's findings and recommendations should be accepted.

The court **ORDERS** that the Report and Recommendation [Dkt. #46] is **ADOPTED**. Pursuant to Judge Giblin's recommendation, the court **ORDERS** that Defendant Tyson Foods, Inc.'s Motion for Partial Summary Judgment [Dkt. #19] is **DENIED**.

So **ORDERED** and **SIGNED** November 20, 2018.



Ron Clark, Senior District Judge